

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIA GUTIERREZ,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION H-11-1996
	§	
F. MILLER CONSTRUCTION, LLC,	§	
ORION MARINE GROUP, INC., and	§	
JOHNSON BROS. LLC,	§	
	§	
Defendants.	§	

OPINION AND ORDER OF DISMISSAL OF STATE LAW CLAIMS

Pending before the Court in the above referenced action, removed from state court and alleging wrongful death of Agustin Gutierrez while working on construction of a bridge between Grand Isle, Louisiana and mainland Louisiana across Caminada Pass, is Defendants/Complainants F. Miller Construction, LLC and Orion Marine Group, Inc.'s motion for partial summary judgment dismissing Maria Gutierrez's Texas law claims (instrument #16).

Plaintiff Maria Gutierrez, Individually and as Representative of the Estate of Agustin Gutierrez, agrees that her Texas state law claims are preempted by federal maritime law and is not opposed to dismissal of the state law claims. #19 at 1. She has filed a First Amended Complaint (#28) asserting her claims for vessel negligence under 33 U.S.C. § 905. Accordingly, the Court

ORDERS that Defendants/Complainants' unopposed motion for partial summary judgment dismissing Plaintiff's Texas law claims is GRANTED.

SIGNED at Houston, Texas, this 30th day of April, 2012.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE